

LDWSF 12.3.187.1 v.1  
09/15/08



John R. Kindschuh  
Direct: 314-259-2313  
Fax: 314-259-2020  
john.kindschuh@bryancave.com

September 15, 2008

**VIA FEDEX**

United States Environmental Protection Agency  
Region 10  
Claire Hong, Remedial Project Manager  
Environmental Cleanup Office  
ECL-111  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

Re: Bunge Oils, Inc.'s Response to CERCLA Section 104(e) Request for the  
Lower Duwamish Waterway Superfund Site, Seattle, Washington

Dear Ms. Hong:

Enclosed please find the responses of Bunge Oils, Inc., on behalf of Bunge Foods Processing, L.L.C., to the EPA's July 17, 2008 Information Request regarding the Lower Duwamish Waterway Superfund Site in Seattle, Washington. Also enclosed are documents labeled BOI 00001 - BOI 01407.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John R. Kindschuh".  
John R. Kindschuh *mlh*

Enclosures

cc: Beverly Garner, Esq.

**RECEIVED**  
**SEP 16 7:00**  
**Environmental**  
**Cleanup Office**

**Bryan Cave LLP**  
One Metropolitan Square  
211 North Broadway  
Suite 3600  
St. Louis, MO 63102-2750  
Tel (314) 259-2000  
Fax (314) 259-2020  
www.bryancave.com

Chicago  
Hong Kong  
Irvine  
Jefferson City  
Kansas City  
Kuwait  
Los Angeles  
New York  
Phoenix  
Shanghai  
St. Louis  
Washington, DC

*And Bryan Cave,  
A Multinational Partnership,  
London*

**1. Respondent Information**

- a. Provide the full legal name and mailing address of the Respondent.

ANSWER: *Bunge Oils, Inc., 11720 Borman Drive, St. Louis, MO 63146. On June 1, 2004, Bunge Foods Corporation changed its name to Bunge Oils, Inc. On March 1, 2004, Bunge Foods Processing, L.L.C. was merged into Bunge Foods Corporation. Bunge Oils, Inc. and all of its predecessor companies will be referred to herein collectively as "Bunge."*

- b. For each person answering these questions on behalf of Respondent, provide:

- i. Full name
- ii. Title
- iii. Business Address
- iv. Business Telephone Number and FAX machine number

ANSWER: *Beverly Garner, Esq.  
Senior Corporate Counsel  
Bunge North America, Inc.  
11720 Borman Drive  
St. Louis, MO 63146  
Telephone: 314-292-2514  
Fax: 314-292-2521*

*Loren Polak  
Director of Environmental Management  
Bunge North America, Inc.  
11720 Borman Drive  
St. Louis, MO 63146  
Telephone: 314-292-2374  
Fax: 314-292-2384*

*Steven J. Poplawski, Esq., Partner  
Bryan Cave LLP  
One Metropolitan Square  
211 N. Broadway, Ste. 3600  
St. Louis, MO 63102  
Telephone: 314-259-2610  
Fax: 314-259-2020*

*John R. Kindschuh, Esq., Associate Attorney  
Bryan Cave LLP  
One Metropolitan Square  
211 N. Broadway, Ste. 3600  
St. Louis, MO 63102  
Telephone: 314-259-2313  
Fax: 314-259-2020*

c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, and fax number.

ANSWER: *John R. Kindschuh, Esq.  
Associate Attorney  
Bryan Cave LLP  
One Metropolitan Square  
211 N. Broadway, Ste. 3600  
St. Louis, MO 63102  
Telephone: 314-259-2313  
Fax: 314-259-2020*

d. State the dates during which Respondent held any property interests at or within one-half mile of the above mentioned address.

ANSWER: *Bunge did not own or hold any property interests at or within one-half mile of 6901 Fox Avenue South, Seattle, WA 98108. Bunge leased the facility located at 6901 Fox Avenue South, Seattle, Washington, 98108 (herein the "Fox Avenue Site").*

e. State the dates during which Respondent conducted any business activity at or within one-half mile of the above mentioned address.

ANSWER: *Bunge operated its business at the Fox Avenue Site under a lease arrangement from approximately January 1, 1988 to December 31, 2003. The specific dates of Bunge's business activity at the Fox Avenue Site are as follows:*

*On January 1, 1988, Industrial Indemnity Corporation, the lessor, and Carlin Foods Corporation, the lessee, entered into a lease agreement regarding the Fox Avenue Site.*

*From January 1, 1988 to September 29, 1989, Bunge Foods Corporation operated the Fox Avenue Site as Carlin Foods Corporation. On September 29, 1989, Carlin Foods Corporation changed its name to Bunge Foods Corporation.*

*On January 15, 1996, Fox Avenue Warehouse Corporation, the lessor, and Bunge Foods Corporation, the lessee, entered into the First Amendment to the 1988 Lease. Fox Avenue Warehouse was the successor in interest to Industrial Indemnity Corporation.*

*On January 1, 2001, Bunge Foods Corporation assigned all of its rights, title, interest and obligations to all tangible and intangible assets at the Fox Avenue Site to Bunge Foods Processing, L.L.C.*

*On July 10, 2002, William P. Guimont, the lessor, and Bunge Foods Processing, L.L.C., the lessee, entered into the Second Amendment to the 1988 Lease. William P. Guimont, the successor trustee of the William P. Guimont Revocable Living Trust, was the successor to Fox Avenue Warehouse Corporation.*

*On December 31, 2003, Bunge Foods Processing, L.L.C., the assignor, and Dawn Food Products, Inc., the assignee, entered into an Assignment and Assumption Agreement. Bunge Foods Processing, L.L.C. assigned the lease dated January 1, 1988 to Dawn Food Products, Inc.*

*All of these documents listed above are enclosed with Bunge's response.*

f. Describe the nature of Respondent's business activities at the above mentioned address or within one-half mile of that address.

ANSWER: *Bunge's business activities at the Fox Avenue Site involved producing dry bakery product mixes for shipment to customers. Bunge leased the Fox Avenue Site, which consisted of approximately 7.3 acres of land.*

g. In relation to your answer to the previous question, identify all materials used or created by your activities at the above mentioned address, including raw materials, commercial products, building debris, and other wastes.

ANSWER: *Bunge manufactured numerous dry bakery product mixes, including pancake and waffle mixes, at the Fox Avenue Site. The manufacturing facility includes production and packing areas, a warehouse area for raw materials and finished goods, a maintenance area, a quality control kitchen, a freezer, a cooler, a small print shop, truck loading docks, and office space. See Limited Environmental Compliance Assessment, p. 2; Phase I, pp. 2-1, 2-2. Raw materials used in the manufacturing process included bulk food grade vegetable oil, salad oil, flour, shortening, and sugar. Fuel oil, carbon dioxide, minimal amounts of petroleum-based lubricants, and refrigerant/Freon were also used by Bunge in the operation of the Fox Avenue Site. Bunge utilized twelve battery-operated fork lifts/hand jacks at the Fox Avenue Site, and the batteries contained sulfuric acid. See Phase I, p. 5-3. A tank farm on the west side of the mechanical room building included four 250,000 pound flour silos equipped with baghouses, one 220,000 pound sugar silo, a 21,430 gallon aboveground storage tank ("AST") for hydrogenated vegetable oil storage, a 7,070 gallon AST for vegetable oil batching, a 1,000 gallon salad oil tank, a 300 gallon fuel oil tank, and a 34 ton carbon dioxide tank. See Limited Environmental Compliance Assessment, p. 2; Phase I, p. 2-2.*

- h. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:
- i. the U.S. Bankruptcy Court in which the petition was filed;
  - ii. the docket numbers of such petition;
  - iii. the date the bankruptcy petition was filed;
  - iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision;
  - v. a brief description of the current status of the petition.

ANSWER: *Bunge Oils, Inc. is a wholly owned subsidiary of Bunge North America, Inc. Bunge Limited, a Bermuda corporation, through its subsidiaries, owns 100% of Bunge North America, Inc. These entities have not filed for bankruptcy.*

## 2. Site Activities and Interests

- a. Provide all documents in your possession regarding the ownership or environmental conditions of the property mentioned above, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs.

ANSWER: *To its knowledge, Bunge has enclosed herewith all responsive documents in its possession regarding the environmental conditions of the Fox Avenue Site. These documents include an October 21, 2003 Phase I Environmental Site Assessment of the Site by Burns & McDonnell (herein "Phase I"), an October 21, 2003 Limited Environmental Compliance Assessment for the Site by Burns & McDonnell (herein "Limited Environmental Compliance Assessment"), an October 2001 Spill Prevention, Control, and Countermeasures Plan (herein "SPCC 2001"), a July 13, 1998 Spill Prevention, Control, and Countermeasures Plan prepared by Hart Crowder (herein "SPCC 1998"), and all correspondence regarding the environmental conditions of the Fox Avenue Site that are not subject to the attorney-client privilege or the attorney-work product doctrine.*

*According to the Phase I, the Great Western Chemical Company is located on the adjacent property to the east of the Fox Avenue Site. The Phase I report identified the Great Western Chemical Company facility as a concern due to the presence of confirmed groundwater and soil contamination by petroleum products, non-halogenated solvents and polynuclear aromatic hydrocarbons. Based upon the Phase I, remedial action was in process at the Great Western Chemical Company on or around October of 2003. See ES-2, 8-1.*

*To Bunge's knowledge, Bunge does not possess copies of any deeds of the Fox Avenue Site because Bunge leased the Fox Avenue Site and did not own it.*

*In addition to those documents identified above, Bunge encloses herein the following documents related to the Fox Avenue Site:*

- *July 8, 1976 Lease between South Park Investment Company and Richardson & Holland*
- *October 7, 1983 Certificate of Incorporation of Carlin Foods Corporation*
- *November 9, 1986 Lease between Marine Power & Equipment and Carlin Foods Corporation*
- *July 31, 1987 Stock Purchase Agreement between Carlin Foods Corporation and Bunge Corporation*
- *January 1, 1988 Lease between Industrial Indemnity Corporation and Carlin Foods Corporation*
- *August 1, 1988 Tenant-Lender Agreement between Rainier National Bank and Fox Avenue Warehouse Corporation*
- *August 2, 1988 Assignment of Lease between Industrial Indemnity Corporation and Fox Avenue Warehouse Corporation*
- *August 26, 1988 Memorandum between Carlin Foods Corporation and Fox Avenue Warehouse Corporation*
- *December 12, 1988 Subordination, Non-Disturbance, and Attornment Agreement among Carlin Foods Corporation, Fox Avenue Warehouse Corporation, and Northwestern National Life Insurance Company*
- *December 12, 1988 Tenant's Certificate from Carlin Foods Corporation*
- *September 21, 1989 Certificate of Amendment of Certificate of Incorporation declaring the name of Carlin Foods Corporation to be Bunge Foods Corporation*
- *January 1, 1996 First Amendment to Lease between Fox Avenue Warehouse Corporation and Bunge Foods Corporation*
- *November 12, 1996 Estoppel Certificate*
- *November 14, 1996 Assignment of Lease by Fox Avenue Warehouse Corporation to The Guimont Revocable Living Trust*
- *May 19, 1998 Subordination, Non-Disturbance, and Attornment Agreement between Bunge Foods Corporation, William P. Guimont Revocable Living Trust, and IDS Life Insurance Company.*
- *December 20, 2000 Certificate of Formation of Bunge Foods Processing, L.L.C.*
- *December 20, 2000 Limited Liability Company Agreement of Bunge Foods Processing, L.L.C.*
- *January 1, 2001 Assignment of Leases to Bunge Foods Processing, L.L.C.*
- *March 6, 2001 Consent to Assignment of Lease*
- *July 10, 2002 Second Amendment to Lease between Bunge Foods Processing, L.L.C. and William P. Guimont*
- *August 1, 2002 Memorandum of Lease between William P. Guimont and Bunge Foods Processing, L.L.C.*
- *December 1, 2003 Asset Purchase and Sale Agreement of Bunge Foods Corporation's Bakery Division to Dawn Foods Products, Inc.*
- *December 16, 2003 Consent to Assignment of Lease*
- *December 31, 2003 Assignment and Assumption Agreement between Bunge Foods Processing, L.L.C. and Dawn Foods Products, Inc.*



- *March 1, 2004 Certificate of Merger of Bunge Foods Mix, L.L.C. and Bunge Foods Processing, L.L.C. into Bunge Foods Corporation*
- *May 13, 2004 Certificate of Amendment of Certificate of Incorporation of Bunge Foods Corporation declaring the name of Bunge Foods Corporation to be changed to Bunge Oils, Inc.*

*Bunge has no blueprints or "as-builts" of the Fox Avenue Site in its possession.*

*Bunge produces herewith photographs of the Fox Avenue Site from a May 25, 1995 safety inspection by Criminology International Consultants ("CCI").*

b. Provide all information on the condition of the property when purchased; describe the source, volume, and content of any fill material used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways.

ANSWER: *To its knowledge, Bunge has enclosed all documents in its possession responsive to this request. Bunge leased the Fox Avenue Site and did not own it.*

*Bunge applied for a shoreline permit on April 2, 1990, pursuant to the City of Seattle, Department of Construction and Land Use Permit for Shoreline Management Substantial Development Shoreline Management Act of 1971. Specifically, Bunge filed the shoreline permit for construction of a foundation for an additional storage silo approximately 54 feet to 62 feet in height. The City of Seattle conditionally approved the permit on June 17, 1991. All documentation in Bunge's possession regarding the 1990 shoreline permit is enclosed.*

*Bunge applied for a shoreline permit on July 29, 1993, pursuant to the Shoreline Management Act of 1971 Permit for Shoreline Management of Substantial Development, Conditional Use, or Variance. Bunge filed the shoreline permit to establish the use for future construction of two accessory metal structures to provide weather protection for machinery. The first structure was to serve as an addition to the existing food processing and distribution facility by providing a weather resistant enclosure housing machinery utilizing pre-manufactured metal building components. The second structure was to serve as a future, free-standing building which would consist of pre-fabricated metal building components, housing machinery required in food processing. The City of Seattle granted the permit on October 14, 1993. All documents in Bunge's possession regarding the 1993 shoreline permit are enclosed.*

c. Provide information on past dredging or future planned dredging at this site.

ANSWER: *To its knowledge, Bunge has enclosed all documents in its possession responsive to this request. Bunge is not aware of any past dredging or future planned dredging at the Fox Avenue Site. See the Phase I for information on changes to the Duwamish River and the potential that the western portion of the property was filled. See Phase I, at 4-17, 5-5, 5-6.*

d. Provide a brief summary of the activities conducted at the Site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the Site.

ANSWER: *To its knowledge, Bunge has enclosed all documents in its possession responsive to this request. Bunge incorporates its responses to Request Nos. 1(f) and 1(g).*

e. Provide all documents pertaining to the sale, transfer, delivery, disposal, of any hazardous substances, scrap materials, and/or recyclable materials to the property.

ANSWER: *Through its investigation, Bunge did not discover any documents regarding the sale, transfer, delivery, and disposal of any hazardous substances, scrap materials, or recyclable materials to the Fox Avenue Site. Bunge incorporates its response to Request No. 2(g) for a discussion of how minimal amounts of petroleum-based lubricants and other substances were used during Bunge's operation of the Fox Avenue Site.*

*Exhibit A to the December 16, 2003 Consent to Assignment of Lease between Bunge Foods Processing, L.L.C. and Dawn Food Products, Inc. states the following regarding Bunge's lack of use of hazardous substances: "Tenant [Bunge Foods Processing, L.L.C.] does not now, and has not at any time since the commencement of the lease, used the Premises for (a) the generation, manufacture, refining, transportation, treatment, storage, or disposal of any hazardous substance or waste except as reasonably needed for the normal conduct of the business of Tenant and in accordance with the Lease and any law, ordinance, rule, or regulation of any governmental authority having jurisdiction of the Premises or (b) for any purpose which poses a substantial risk of imminent damage to public health or safety or to the environment." See Exhibit A, item 10. Bunge has enclosed this document.*

f. Provide all information on electrical equipment used at the facility, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).

ANSWER: *To its knowledge, Bunge has enclosed all documents in its possession responsive to this request. According to the Phase I, the Fox Avenue Site was served by a single pad-mounted transformer provided by the City of Seattle on the south side of the property near the west end of the building. See 2-2. The Phase I expressly states that there is no "non-PCB" sticker visible on the transformer. See 5-5. According to correspondence from Mark L'Esperance to Jane Lohry dated November 6, 2001, Bunge employees contacted Seattle City Light regarding the electrical transformer after a SPCC review. Seattle City Light acknowledged there were PCB's in the electrical transformer, but it was "at the lowest end of their monitoring/concern spectrum." Seattle City Light conceded that if there were any releases of PCB's from this single pad-mounted transformer, Seattle City Light would be responsible for the clean-up. Bunge has no knowledge of any releases of PCB's.*

g. Provide any information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances which are or were used at the facility for facility operations.



ANSWER: *To its knowledge, Bunge has enclosed all documents in its possession responsive to this request. Bunge incorporates its response to Request No. 1(g).*

h. Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.

ANSWER: *To its knowledge, Bunge has enclosed all documents in its possession responsive to this request. According to the Phase I, no pits, ponds or lagoons were located on the Fox Avenue Site or on the adjoining properties. See Phase I, p. 5-5. The Phase I reported that no dry wells, irrigation wells, injection wells, or potable water wells were observed at the Fox Avenue Site. See Phase I, p. 5-6. The Phase I indicated that there were no discharges of wastewater or other liquids, including storm water, into a drain, ditch or stream on or adjacent to the Fox Avenue Site. See Phase I, p. 5-6.*

*Sanitary sewer wastewater was discharged from the restrooms and offices to the King County Metropolitan Sewerage System (METRO) at the Fox Avenue Site. See Limited Environmental Compliance Assessment, p. 5. The Fox Avenue Site did not generate wastewater from the dry mix manufacturing process.*

i. With respect to past site activities, please provide copies of any stormwater or drainage studies, including data from sampling, conducted at these properties. Also provide copies of any Stormwater Pollution Prevention or Maintenance Plans or Spills Plans that may have been developed for different operations during the Respondent's occupation of the property.

ANSWER: *To its knowledge, Bunge has enclosed all documents in its possession responsive to this request, including the Limited Environmental Compliance Assessment, the SPCC 2001, and the SPCC 1998. According to the 2001 SPCC, the Fox Avenue Site did not experience a spill event in the twelve months prior to the date of certification. See SPCC 2001, p. 3. Similarly, according to the 1998 SPCC, the Fox Avenue Site did not experience a spill event in the twelve months prior to the date of certification. See SPCC 1998, p. 4.*

*According to the Limited Environmental Site Assessment, the Fox Avenue Site did not have a storm water permit under the National Pollutant Discharge Elimination System ("NPDES") nor had it prepared a storm water pollution prevention plan ("SWPPP"). See Limited Environmental Site Assessment, p. 4. In 2003, the Fox Avenue Site intended to file for certification of non-exposure and obtain an exemption from the requirement to obtain a permit and develop an SWPPP because, under the exemption, material storage and usage areas that have secondary containment are protected from exposure to storm water. See p. 4.*

### **3. Information About Others**

a. Describe any business relationship you may have had regarding this property or operations thereon with the following entities:

i. Dawn Food Products, Inc.

ANSWER: *Bunge Foods Corporation sold its Bakery Division to Dawn Food Products, Inc., in an Asset Purchase and Sale Agreement on December 31, 2003. Specifically included in the transaction is the lease between Industrial Indemnity Company and Carlin Foods Corporation dated January 1, 1988, as amended. See Asset Purchase and Sale Agreement, p. 17, Disclosure Schedule 3.9(b). Also on December 31, 2003, Bunge Foods Processing, L.L.C., the assignor, and Dawn Food Products, Inc., the assignee, entered into an Assignment and Assumption Agreement. In this document, Bunge Foods Processing, L.L.C. assigned the lease dated January 1, 1988 to Dawn Food Products, Inc.*

ii. Fox Avenue Warehouse Corporation

ANSWER: *Bunge Foods Corporation entered into a contractual relationship with Fox Avenue Warehouse Corporation at the Site in 1996. On January 15, 1996, Fox Avenue Warehouse Corporation, the lessor, and Bunge Foods Corporation, the lessee, entered into the First Amendment to the 1988 Lease. Fox Avenue Warehouse was the successor in interest to Industrial Indemnity Corporation. Bunge Foods Corporation was the successor in interest to Carlin Foods Corporation.*

iii. (b) (6)

ANSWER: *Bunge Foods Processing, L.L.C. entered into a contractual relationship with William Guimont. On July 10, 2002, William P. Guimont, the lessor, and Bunge Foods Processing, L.L.C., the lessee, entered into the Second Amendment to the 1988 Lease. (b) (6) the successor trustee of the (b) (6) (b) (6) Revocable Living Trust, was the successor to Fox Avenue Warehouse Corporation. On December 16, 2003, (b) (6) consented to the assignment of the Lease to Dawn Food Products, Inc. by Bunge Foods Processing, L.L.C.*

iv. Indal Corporation

ANSWER: *Bunge is not aware of any business relationship it had with Indal Corporation.*

v. Industrial Indemnity Company

ANSWER: *Bunge Foods Corporation entered into a contractual relationship with Fox Avenue Warehouse Corporation at the Site in 1996. It is Bunge's understanding that Fox Avenue Warehouse Corporation was the successor in interest to Industrial Indemnity Corporation. On January 1, 1988, Industrial Indemnity Corporation, the lessor, and Carlin Foods Corporation, the lessee, entered into a lease agreement regarding the Fox Avenue Site.*

vi. (b) (6)

ANSWER: *According to numerous documents, (b) (6) received an undivided 25% tenancy in common interest under the (b) (6) Revocable Living Trust. As discussed above, Bunge Foods Processing, L.L.C. entered into a contractual relationship with (b) (6) On July 10, 2002, (b) (6) the lessor, and Bunge Foods Processing, L.L.C., the lessee, entered into the Second Amendment to the 1988 Lease. (b) (6) was the successor trustee of the (b) (6) Revocable Living Trust.*

vii. (b) (6)

ANSWER: *According to numerous documents, (b) (6) received an undivided 25% tenancy in common interest under the (b) (6) Revocable Living Trust. As discussed above, Bunge Foods Processing, L.L.C. entered into a contractual relationship with (b) (6) On July 10, 2002, (b) (6) the lessor, and Bunge Foods Processing, L.L.C., the lessee, entered into the Second Amendment to the 1988 Lease. (b) (6) was the successor trustee of the (b) (6) Revocable Living Trust.*

viii. Marine Power and Equipment Co., Inc.

ANSWER: *Based upon its review of the enclosed documents, Bunge believes that Marine Power & Equipment Company was the lessor in the November 19, 1986 Lease Agreement with Carlin Foods Corporation. Bunge is not aware of any business relationship it had with Marine Power and Equipment Co., Inc.*

ix. National Steel Construction Co.

ANSWER: *According to the Phase I, prior to the construction of the current building, the Fox Avenue Site was occupied by the National Steel Construction Company for at least 17 years. See ES-3, 8-1. The limited information available indicates that National Steel Construction Company conducted the following activities on the Fox Avenue Site: woodworking, electric thermostat manufacturing, painting, and sheet metal and assembling. According to the Phase I, the Fox Avenue Site was occupied by McAteer Ship Building Company prior to the National Steel Construction Company. Bunge is not aware of any business relationship it had with National Steel Construction Company.*

x. Seattle Iron & Metals Corporation

ANSWER: *Bunge is not aware of any business relationship it had with Seattle Iron & Metals Corporation. To Bunge's knowledge, Seattle Iron & Metals Corporation is a salvage and recycling storage facility located at 600 S. Garden Street, abutting the Duwamish Waterway.*

xi. Southpark Investment Company, and

ANSWER: *Based upon its review of the enclosed documents, Bunge believes that Southpark Investment Company was the lessor in the July 8, 1976 Lease with Richardson & Holland Corporation. Bunge is not aware of any business relationship it had with Southpark Investment Company.*

xii. Young Corporation

ANSWER: *Bunge is not aware of any business relationship it had with Young Corporation.*

b. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned site including but not limited to the following entities:

i. Ener-G Foods, Inc.

ANSWER: *Bunge is in possession of a January 5, 1988 communication from Ragan Powers, Esq., of Helsell, Fetterman, Marin, Todd & Hokanson, attorney for Industrial Indemnity, to John Anton of Carlin Foods and Sam Wylde of Sam Wylde Flour. The letter outlines new lease rates for the tenants, including Ener-G Foods, Inc. The letter indicates that Ener-G Foods, Inc. shall remain a tenant in its present space until March 31, 1988, at which time its tenancy under its original leases shall terminate. Subsequently, Carlin Foods will execute a new lease, effective January 1, 1988. This document is enclosed with Bunge's response. Bunge is not aware of any information regarding Ener-G Foods, Inc.'s last known address, if Ener-G Foods, Inc. operated on the Site, the dates of Ener-G Foods, Inc.'s tenancy, or a description of the activities that Ener-G Foods, Inc. conducted while operating at the Fox Avenue Site.*

ii. Oroweat Foods Company, and

ANSWER: *Bunge is not aware of any information regarding Oroweat Foods Company's last known address, if Oroweat Foods Company operated at the Fox Avenue Site, the dates of Oroweat Foods Company's tenancy, or a description of the activities that Oroweat Foods Company conducted while operating at the Fox Avenue Site.*

iii. Sam Wylde Flour Co.

ANSWER: *Mr. Sam Wylde, Sam Wylde Flour, P.O. Box 84488, Seattle, Washington, 98124-5788. Bunge is in possession of a January 5, 1988 communication from Ragan Powers, Esq., of Helsell, Fetterman, Marin, Todd & Hokanson to John Anton of Carlin Foods and Sam Wylde of Sam Wylde Flour. The letter outlines new lease rates for the tenants, including Sam Wylde Flour. The letter indicates that Sam Wylde Flour shall remain a tenant in its present space until March 31, 1988, at which time its tenancy under its original leases shall terminate. Subsequently, Carlin Foods will execute a new lease, effective January 1, 1988. This document is enclosed with Bunge's response. Bunge is not aware of any information regarding the dates of Sam Wylde Flour's tenancy or a description of the activities that Sam Wylde Flour conducted while operating at the Fox Avenue Site.*

c. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from, the Site.

ANSWER: *Bunge incorporates its prior response to Request No. 1(e). Bunge also provides contact information for Loren Polak.*

*Loren Polak  
Director of Environmental Management  
Bunge North America, Inc.  
11720 Borman Drive  
St. Louis, MO 63146  
Telephone: 314-292-2374*

**4. Financial Information**

a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2002, 2003, 2004, 2005, 2006 and 2007. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.

ANSWER: *Bunge objects to this Request because it is overly broad. The federal tax identification number for Bunge Oils, Inc. is (b) (6)*

b. Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, please identify each asset by type of asset, estimated value, and location.

ANSWER: *Bunge objects to this Request because it is overly broad.*

c. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:

i. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;

ANSWER: *Bunge incorporates its response to Request Nos. 1(a), 1(e), and 1(h). The following timeline outlines Bunge's relationship as a tenant at the Fox Avenue Site.*

*On January 1, 1988, Industrial Indemnity Corporation, the lessor, and Carlin Foods Corporation, the lessee, entered into a lease agreement regarding the Fox Avenue Site.*



*From July 31, 1987 to September 29, 1989, Bunge Foods Corporation operated the Fox Avenue Site as Carlin Foods Corporation. On September 29, 1989, Carlin Foods Corporation changed its name to Bunge Foods Corporation.*

*On January 15, 1996, Bunge Foods Corporation, the successor in interest to Carlin Foods Corporation, entered into the First Amendment to the 1988 Lease.*

*On January 1, 2001, Bunge Foods Corporation assigned all of its rights, title, interest and obligations to all tangible and intangible assets at the Site to Bunge Foods Processing, L.L.C.*

*On December 31, 2003, Bunge Foods Processing, L.L.C. and Dawn Food Products, Inc. entered into an Assignment and Assumption Agreement. Bunge Foods Processing, L.L.C. assigned the lease dated January 1, 1988 to Dawn Food Products, Inc.*

*On March 1, 2004, Bunge Foods Processing, L.L.C. was merged into Bunge Foods Corporation.*

*On May 13, 2004, Bunge Foods Corporation changed its name to Bunge Oils, Inc.*

ii. the dates such relationship existed;

ANSWER: *Bunge refers to its response to Request No. 4(c)(i) for information regarding the dates.*

iii. the percentage of ownership of Respondent that is held by such other entity(ies);

ANSWER: *Bunge incorporates its response to Request No. 1(h).*

iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;

ANSWER: *Bunge objects to this Request because it is overly broad. Bunge incorporates its response to Request No. 1(h). In response, Bunge Oils, Inc. directs EPA to Bunge Limited's 2007 Annual Report, a copy of which is enclosed.*

v. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at the Site; and

ANSWER: *Bunge objects to this Request because it is overly broad. In response, Bunge incorporates its response to Request No. 5(a).*



- vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets) and net worth.

ANSWER: *Bunge objects to this Request because it is overly broad. Bunge incorporates its response to Request No. 1(b). In response, Bunge directs EPA to Bunge Limited's 2007 Annual Report, a copy of which is enclosed.*

**5. Insurance Coverage**

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the Site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.

ANSWER: *Bunge objects to this Request because it is overly broad. In response, Bunge responds by producing a spreadsheet outlining its general liability policy schedule for 1987 to 2003. The spreadsheet identifies the primary, excess, and umbrella policies during the years that Bunge leased and operated at the Fox Avenue Site.*

- b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:

- i. the name and address of each insurer and of the insured;
- ii. the type of policy and policy numbers;
- iii. the per occurrence policy limits of each policy; and
- iv. the effective dates for each policy.

ANSWER: *Bunge objects to this Request because it is overly broad. Bunge is not aware of any policies where copies are not available at this time.*

- c. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request, and identify the time period during which such broker or agent acted in this regard.

ANSWER: *Bunge objects to this Request because it is overly broad. Bunge responds by directing EPA to the spreadsheet outlining the insurance brokers and agents who placed insurance for Bunge entities.*

d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.

ANSWER: *Bunge attaches hereto and incorporates herein a letter dated September 4, 2008 from LeAnne Johnson Werner, Insurance Manager of Bunge North America, Inc., to Denise Lawrence of Aon Risk Services, placing relevant carriers on notice of a potential claim regarding this 104(e) request.*

e. Identify any previous settlements with any insurer in connection with the Site, or for any claims for environmental liabilities during the time period of under investigation. Include any policies surrendered or cancelled by the Respondent or insurer.

ANSWER: *Bunge objects to this Request because it is overly broad and unduly burdensome. Bunge has not received a response to the claim letter described in No. 5(d).*

f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.

ANSWER: *Bunge objects to this Request because it is overly broad. In response, Bunge incorporates its response to Request No. 5(a).*

g. Identify Respondent's policy with respect to document retention.

ANSWER: *Bunge encloses its current policy entitled "Records Retention."*

## **6. Compliance with This Request**

a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:

i. the name and current job title of all individuals consulted;

ANSWER: *Bunge responds that the following individuals were consulted in responding to this 104(e) Request: Beverly Garner, Esq., Senior Corporate Counsel, Bunge North America, Inc.; Loren Polak, Director of Environmental Management, Bunge North America, Inc.; LeAnne Johnson Werner, Insurance Manager, Bunge North America, Inc.; Steven J. Poplawski, Esq., of Bryan Cave LLP; and John R. Kindschuh, Esq., of Bryan Cave LLP.*

- ii. the location where all documents reviewed are currently kept

ANSWER: *The documents that were reviewed and enclosed in response to this 104(e) request are currently held at Bunge North America, Inc.'s headquarters at 11720 Borman Drive, St. Louis, MO 63146.*

United States Environmental Protection Agency  
September 15, 2008  
Page 18

**Bryan Cave LLP**

bcc: Steve Poplawski, Esq.